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Official Record

Recording requested By
GOICOECHEA, DIGRAZIA, COYLE

Eureka County - NV

Mike Rebaleati - Recorder

Fee: \$22.00

Page 1 of 9

RPTT:

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APN: 002-044-003
002-044-009

**Recording Requested By
and Return To:**

Goicoechea, Di Grazia,
Coyle & Stanton, Ltd.
530 Idaho Street
Elko, NV 89801



The undersigned affirms that
this document does not contain
a social security number.

ORDER SETTLING FIRST AND FINAL ACCOUNTING,
APPROVING ATTORNEY FEES AND EXECUTOR'S COMMISSION,
DECREE OF DISTRIBUTION

MAY 20 2011

Eureka County Clerk
BY *Deanna M. Carter* Deputy

1 CASE NO. PR0910-190
2 DEPARTMENT NO. 1

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7 IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
8 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF EUREKA
9

10 In the Matter of the Estate of
11 ELWOOD ROY WRIGHT aka
12 ELWOOD R. WRIGHT aka
13 ELWOOD WRIGHT,

Deceased.

**ORDER SETTLING FIRST AND
FINAL ACCOUNTING, APPROVING
ATTORNEY FEES AND
EXECUTOR'S COMMISSION,
DECREE OF DISTRIBUTION**

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15
16 MICHAEL R. WRIGHT, Executor of the above-entitled Estate, having on
17 May 6, 2011, rendered and filed herein a full account of the administration of said
18 estate, which account was for final settlement, and having with said account
19 made application for approval of attorney fees and Executor commission, and
20 having further filed a Petition for Final Distribution of said estate; said account,
21 application and petitions having come on regularly to be heard, and proof having
22 been made to the satisfaction of the Court that notice of the settlement of said
23 account, and of the hearing of the application and the petitions have been given
24 in the manner and for the time required by law, as more fully appears by the
25 Affidavit of Mailing on file herein; and the Court hereby finds:

- 26 1. That due and legal notice of hearing of said account, application and
27 petitions has been given to all persons interested in said estate.
28 2. That said account is in all respects true and correct; that the

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Eureka County
Clerk or Treasurer

1 Executor has accounted for the receipts, disbursements and cash in hand as set
2 forth in the first and final accounting.

3 3. That MICHAEL R. WRIGHT was appointed Executor of the estate of
4 the deceased on January 20, 2010, qualified, and since said date has been and
5 now is the appointed, qualified and acting Executor of said estate.

6 4. That the names, relationships, ages and residences of the heirs,
7 devisees and legatees of the deceased are as follows, to wit:

<u>Name</u>	<u>Address</u>	<u>Age</u>	<u>Relationship</u>
8 Michael R. Wright	P.O. Box 211025 Crescent Valley, NV 89821	Adult	Son
9 Wallace Elwood Wright	P.O. Box 211096 Crescent Valley, NV 89821	Adult	Son
10 Mary Ann Lopez	5125 Wedgefield Granbury, TX 76049	Adult	Step-daughter
11 Velma Marsden	12 Hillside Court Kettle Falls, WA 99141	Adult	Friend

12 5. The terms of the Last Will and Testament of the Decedent, provide
13 that the property of the Decedent would be distributed as follows:

14 "The following are very important as I would leave my will exactly this way.

15 a. My two sons Wallace Elwood Wright and Michael Roy Wright
16 are to share equal ownership in all my properties and mining claims
17 including the Colorback Mine. This also includes the property in the
18 townsite of Crescent Valley, NV.

19 b. If the Colorback Mine is sold, I want 5 percent of my half of the
20 mine to be given to Mary Ann Lopez my stepdaughter and 5 percent of my
21 half of the mine sale to be given to Velma Marsden of Crescent Valley,
22 Nevada after expenses and taxes are paid.

23 c. Other holdings such as vehicles, equipment, carbon in storage
24 yard are to be split equally between my 2 sons Wally & Mike. Wallace
25 Wright is to receive the backhoe and the sho vehicle, also all of the tools
26
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1 and other things in my garage.”

2 6. That due and legal notice to creditors of the estate has been given in
3 the manner and for the time required by law, and that the time for the filing of
4 creditors' claims has expired. Five creditor's claims were made. Those claims
5 are as follows:

6 a. The claim filed by Bank of America in the amount of
7 \$25,000.00 is deemed rejected as not being approved by the Executor
8 within 15 days pursuant to NRS 147.110.

9 b. The claim filed by Sierra Pacific Power Company in the
10 amount of \$655.50 has been approved, but not paid.

11 c. The claim filed by DCM Services, LLC on behalf of GE Money
12 Bank Chevron and Texaco in the amount of \$370.25 has been approved,
13 but not paid.

14 d. The claim filed by DCM Services, LLC on behalf of Chase
15 Bank Credit Card Division in the amount of \$33,549.25 was not timely filed
16 and was rejected by Notice filed on November 10, 2010. The Notice was
17 sent to Chase Bank Credit Card Division c/o DCM Services, LLC on
18 November 8, 2010. DCM Services, LLC did not bring suit within the 60
19 days allowed by N.R.S.147.130.

20 e. The claim filed by West Asset Management, Inc. on behalf of
21 American Express in the amount of \$1,523.86 was not timely filed and was
22 rejected by Notice filed on January 4, 2011. The Notice was sent to West
23 Asset Management, Inc. on behalf of American Express on December 27,
24 2010. West Asset Management, Inc. did not bring suit within the 60 days
25 allowed by N.R.S.147.130.

26 7. That the Executor caused to be made and returned to the Court a
27 true inventory and appraisalment of all of the assets of the estate of deceased;
28 that the total value of said estate was in the amount of \$80,818.84.

1 8. That the property within the jurisdiction of this Court, now under the
2 care, management and control of the Executor, subject to distribution is as
3 follows:

<u>Description of Property:</u>	<u>Value</u>
a. Improved Real Property and Residences located in Crescent Valley, Nevada <u>APN 002-044-009</u> Lot 7, Block 33, of Crescent Valley Ranch & Farms Unit No. 1, as per map recorded in the Office of the County Recorder of Eureka County, Nevada, as File No. 34081. TOGETHER with any and all buildings and improvements situate thereon. SUBJECT to all prior reservation and restrictions of record, including a reservation of oil, gas and mineral rights reserved in a Deed recorded September 24, 1951, in Book 24 of Deeds, Page 168, Eureka County, Nevada.	\$61,000.00
TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.	
b. Vacant Property located in Crescent Valley, Nevada <u>APN 002-044-003</u> Lot 2, Block 33, of Crescent Valley Ranch & Farms Unit No. 1, as per map recorded in the Office of the County Recorder of Eureka County, Nevada, as File No. 34081. TOGETHER with any and all buildings and improvements situate thereon. SUBJECT to all prior reservation, restrictions and easements of record. TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.	\$5,000.00
c. 1990 Ford 250 Pickup Truck	\$ 2,255.00
d. 50% ownership of the Colorback Claims (35 claims) (50% is owned by Irene Harper)	\$Negative Value

1	e.	50% ownership of the JC Mining Claims also known as Gray Rocking Mining Co. (10 barite claims) (50% is owned by Joseph Carruthers)	\$ 3,000.00
2			
3	f.	Wells Fargo Bank Blocked Estate Account No. [REDACTED]	\$ 9,036.17
4			
5	g.	Proceeds from carbon in storage yard	\$ None
6	h.	<u>VEHICLES</u>	
7	A.	1978 Ford F250 (inoperable)	\$250.00
8	B.	1995 Ford Taurus (inoperable)	\$250.00
9		GRAND TOTAL	<u>\$80,791.17</u>

10. That the Executor has performed services for the estate and waives the statutory compensation fee payable in the sum of 2,574.56.

11. That GOICOECHEA, DI GRAZIA, COYLE & STANTON, LTD., Attorneys at Law, Elko, Nevada, have performed ordinary services for said estate by acting as attorneys for the Executor, for which said attorneys are entitled to a reasonable fee in the sum of \$27,366.00. Attorneys agree to receive \$8,201.12 for attorney fees, \$735.05 for reimbursement of costs and \$100.00 for closing costs from the Wells Fargo Bank Blocked Account for a total sum of \$9,036.17 together with all accrued interest and the title to the vacant real property located in Crescent Valley, Nevada, appraised at \$5,000.00 for a total of \$13,201.12 as partial payment of attorney fees. In addition, attorneys will accept a promissory note of \$5,000.00 with interest at 4% per annum for a total fee of \$18,201.12. Attorneys have waived payment of the balance of fees in the sum of \$9,164.88.

12. That GOICOECHEA, DI GRAZIA, COYLE & STANTON, LTD., Attorneys at Law, Elko, Nevada, in serving as attorney's for the Executor of this Estate have advanced certain costs in the sum of \$735.05, and are entitled to reimbursement of cost advanced.

13. The necessary costs of closing of said estate are estimated to be not greater than \$100.00.

14. That expenses of last illness and funeral expenses have been paid in

1 full; and the estate is ready for distribution and is now in a condition to be closed.

2 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND
3 DECREED:

4 1. That due and legal notice of the hearing of said First and Final
5 Account, Application for Approval of Attorney Fees and Executor's Commission,
6 Petition for Distribution has been given to all persons interested in said estate or
7 entitled to notice thereof.

8 2. That the First and Final Account of the Executor as rendered is
9 hereby settled, allowed, approved, ratified and confirmed as rendered.

10 3. That Notice to Creditors has been given for the time and in the
11 manner as provided by law, and the time for the presentation of creditors' claims
12 has expired. That the following approved creditor claims will not be paid as there
13 are insufficient funds to even pay the costs of administration:

- 14 a. Sierra Pacific Power Company in the amount of \$655.50; and
15 b. DCM Services, LLC on behalf of GE Money Bank Chevron
16 and Texaco in the amount of \$370.25.

17 4. That the Executor is ordered to pay the following costs and attorney
18 fees, which amounts are determined to be reasonable:

19 a. To GOICOECHEA, DI GRAZIA, COYLE & STANTON, LTD.
20 the sum of \$18,201.12 for ordinary services. Those fees are to be paid as
21 follows:

- 22 (1) \$8,201.12;
23 (2) Title to the vacant lot located in Crescent Valley, Nevada
24 appraised at \$5,000.00, which is described in paragraph 8(b) above;
25 and
26 (3) A promissory note of \$5,000.00 with interest at 4% per annum.

27 b. To GOICOECHEA, DI GRAZIA, COYLE & STANTON, LTD.,
28 the sum of \$735.05 to reimburse said attorney for costs advanced.

1 c. Necessary costs of closing in an amount of not to exceed
2 \$100.00.

3 d. Wells Fargo Bank is ordered to disburse the total balance in
4 the Blocked Estate Account No. [REDACTED]7, i.e., \$9,036.17 together with
5 all accrued interest to GOICOECHEA, DI GRAZIA, COYLE & STANTON,
6 LTD.

7 5. That after payment of all costs of administration, the Petitioner is
8 authorized and directed to distribute all of the rest, residue and remainder of the
9 said Estate, including any property not known or hereafter discovered, pursuant
10 to the Last Will and Testament of Decedent as follows:

11 a. To Michael Roy Wright:

- 12 1) 25% undivided interest in the 50% ownership of the
13 Colorback Claims (35 claims). (50% is owned by Irene
14 Harper);
- 15 2) 50% undivided interest to the improved Real Property
16 located in Crescent Valley, Nevada, as described in
17 paragraph 8(a) above;
- 18 3) 50% undivided interest to the 1990 Ford 250 Pickup
19 Truck;
- 20 4) 25% ownership of the JC Mining Claims also known as
21 Gray Rocking Mining Co. (10 barite claims). (50% is
22 owned by Joseph Carruthers); and
- 23 5) 50% undivided interest to the 1978 Ford F250.

24 b. To Wallace Elwood Wright:

- 25 1) 25% undivided interest in the 50% ownership of the
26 Colorback Claims (35 claims). (50% is owned by Irene
27 Harper);
- 28 2) 50% undivided interest to the improved Real Property
located in Crescent Valley, Nevada, as described in
paragraph 8(a) above;
- 3) 50% undivided interest to the 1990 Ford 250 Pickup
Truck;
- 4) 25% ownership of the JC Mining Claims also known as
Gray Rocking Mining Co. (10 barite claims). (50% is
owned by Joseph Carruthers);

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- 5) 50% undivided interest to the 1978 Ford F250;
- 6) 100% undivided interest to the 1995 Ford Taurus;
- 7) 100% undivided interest to the backhoe; and
- 8) All decedent's tools and belongings located in the garage.

c. If the Colorback Mine is sold, 5% of the Decedent's 50% of the net sale proceeds are to be distributed to Mary Ann Lopez if she is alive at the time of sale and 5% of the Decedent's 50% of the net sale proceeds are to be distributed to Velma Marsden if she is alive at the time of sale.

6. That the Estate be brought to a close and that the Administrator be discharged upon producing and filing the necessary vouchers and proof showing that he has complied with the Order of the Court.

DONE IN OPEN COURT THE 20th day of May, 2011.

LSI Dan L. Popez
DISTRICT JUDGE

SEVENTH JUDICIAL DISTRICT COURT,
IN AND FOR COUNTY OF EUREKA, } SS
STATE OF NEVADA

I, the Undersigned COUNTY CLERK and Ex-Officio CLERK of the SEVENTH JUDICIAL DISTRICT COURT do hereby CERTIFY that the foregoing is a full, true and correct copy of the original on file in my office and that I have carefully compared the same with the original.

DISTRICT COURT, this 20th day of May, 2011 WITNESS, My Hand and Seal of said

County Clerk and Ex-Officio Court Clerk
Jelanna M. Cantrell Deputy Clerk